

EXECUTIVE OFFICER SUMMARY REPORT
March 12, 2003

ITEM: 9

SUBJECT: Administrative Civil Liability against South Coast Water District, Sewage Collection System in Orange County, for Violation of Order No. 96-04 and California Water Code Section 13267 (Complaint No. R9-2002-0280). The Regional Board will consider settlement of potential liability for the violations alleged in Complaint No. R9-2002-0280 based on a settlement offer from South Coast Water District; in reaching its decision, the Regional Board will consider written comments received during a 30-day public review period and comments made at the meeting. (Tentative Order No. R9-2003-0037 [*Document No. 2*]) (Rebecca Stewart)

PURPOSE: To consider settlement of potential liability for the violations alleged in Complaint No. R9-2002-0280 (*Document No. 3*).

PUBLIC NOTICE: The Regional Board's consideration of the proposed settlement offer was noticed by posting on the Regional Board web site, noticing in the Orange County Register newspaper and the Regional Board meeting agenda notice.

DISCUSSION: At the February 5, 2003 meeting, the Board agreed to consider South Coast Water District's proposed settlement of potential liability for the violations alleged in Complaint No. R9-2002-0280 after the conclusion of a public comment period (*Document No. 4*). The settlement offer totaling \$105,000 includes a \$60,000 payment to the State Water Resources Control Board's Cleanup and Abatement Account, \$45,000 for funding of supplemental environmental projects, and the District conducting a training seminar for sewerage agencies covered under the Regional Board's Order No. 96-04. The District also committed to waiving its right to a public hearing or a petition appealing the matter to the State Board.

Since the February 5, 2003 meeting, South Coast Water District has submitted several Supplemental Environmental Project applications for consideration and possible funding. The Projects are currently being reviewed and Regional Board staff will rate each project and provide a recommendation on which projects warrant funding through this liability action prior to the Regional Board hearing.

Tentative Order No. R9-2003-0037 has been provided in your agenda package. The Order will require amendments based on which, if any, supplemental environmental projects are approved for funding by the Regional Board.

LEGAL CONCERNS: None at this time.

SUPPORTING
DOCUMENTS:

1. Location Map
2. Tentative Order No. R9-2003-0037
3. Complaint No. R9-2002-0280
4. South Coast Water District Settlement Offer

RECOMMENDATION: The adoption of tentative Order No. R9-2003-0037 is recommended.